THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.27372 OF 2006

DATED: 12-02-2007

BETWEEN

Sri Gayatri Educational Society,
2/3, 1st Road, Ananthapur, rep. by
its President S. Chandrayudu.

...PETITIONER

AND

The Station House Officer,
II Town Police Station,
Ananthapur and others.

...RESPONDENTS

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the respondents 1 and 2 in interfering with the day-to-day affairs of the petitioner-society at the instance of the third respondent as illegal and arbitrary.

2. Petitioner submits that it is an educational society, registered in 1997, set up with noble idea to impart education to the students with a view to inculcate discipline, patriotism and national integration.

It is stated that initially one Narayana Reddy was the President of the Institution and thereafter, one P.V. Phani Shekar, the husband of the third respondent was elected as President, who grossly misused the funds of the institution and because of his malpractice, the institution is not able to survive due to financial constraints. Thereafter, the general body of the institution unanimously elected the petitioner as President to run the Institution. It is further stated

that the third respondent gave a false report against the petitioner to the police and the respondents 1 and 2 colluding with her registered a case in Cr.No.223 of 2006 for the offence under Sections 420 and 468 of the Indian Penal Code, 1860. It is stated that the respondents
1 and 2 are illegally interfering with the smooth functioning of the day-to-day affairs of the institution at the instance of the third respondent.

3. Counter has been filed by the first respondent stating that the third respondent lodged a complaint with the police on 17.11.2006 against the petitioner and six others stating that her husband was running the institution and after his demise the petitioner along with other have got registered the Educational Society in their names and forged the signatures of her husband and her mother-in-law. In view of the aforesaid complaint a case in Cr.No.223 of 2006 was registered and the investigation is pending. It is stated that for the purpose of investigation the complainant was requested to produce the original documents for perusal but the same could not be produced and therefore, the investigation could not be completed. It is further stated that the respondents 1 and 2 never interfered with the day-to-day affairs of the institution at the instance of the third respondent.

4. Having regard to the facts and circumstances, the respondents 1 and 2 are directed to expedite the investigation but during the course of the investigation they shall not interfere with the day-to-day affairs of the petitioner- educational society.

With the aforesaid observation the writ petition is dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 12, 2007
DSK